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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,585	06/07/2000	Jennifer Pearson	2043.025US1	8996

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT PAPER NUMBER

2176

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/589,585

Applicant(s)

PEARSON ET AL.

Examiner

Maikhanh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/15/06 & 9/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 08/15/2006 to the original application filed 06/07/2000.

Claims 1-15 and 19-26 are presented for examination. Claims 16-18 have been cancelled. Claims 1, 13, 19, and 25-26 are independent claims.

Information Disclosure Statement

2. The Applicants' Information Disclosure Statements, filed 08/15/2005 and 09/25/2006, have been received, entered into the record, and considered. See attached form PTO 1449.

Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

Claims 1-11, 13, 15 and 19-26 are rejected under 35 U.S.C. 102(e) as being anticipated

Langheinrich et al. (U.S. 6,654,725 – filed 11/1999).

As to claims 13 and 26:

Langheinrich teaches a computer-readable medium having stored thereon executable instructions for causing a computer (*e.g., client 102*) to perform a utility program (*e.g., a web browser*) for selecting (*e.g., dynamically selected, selection*) images (*e.g., advertisements*) for a markup language document (*e.g., a Web page*) [see col.3, lines 63-65 and see fig.1 and the accompanying text, beginning at col.4, line 3] comprising:

- determining a number of images to display in the markup language document (*e.g., the advertisement server 103 handles the incoming requests from clients to deliver customized advertisements... Advertisers can contact a maintenance server 106 that allows direct access to the advertisement information stored in the database server 104*) [see col.4, lines 20-41];
- obtaining a set of random numbers corresponding to the number of images (*e.g., advertisements will then be selected randomly; col. 1, lines 39-40 /web advertisement is directly linked as fixed inline images into a web page...a random selection mechanism...the remaining advertisements will then be selected*

randomly; col.1, lines 16-32 / for each value of a customization variable, this list of probabilities for each advertisement has to add up to 1.0, i.e. in every case the system has to be able to choose one and only one of the available advertisements. After compiling this display distribution for all advertisements in a relevancy computation module 2002, the system chooses a random advertisement according to the given probabilities (weight) 2005; col.8, lines 1-18);

- *retrieving images from a group of images using the set of random numbers (e.g., the remaining advertisements will then be selected randomly; col.1, lines 16-46/grouping related advertisements into families and selecting among families instead of single advertisements; col.3, lines 21-37/the system chooses a random advertisement; col.8, lines 1-18); and*
- *placing the retrieved images in the markup language document (e.g., after the user requests a page [1] from the content server 101, the server executes a script that will customize the requested page—for example by searching a database for a list of matching entries for a user query. In the process the publisher's script uses [2] the advertisement server selection API 119 to obtain an advertisement ID for the given customization parameters (for example the search keyword). The API 119 will query [3] to the database server and obtain the relevant information [4] from the database server 104, make a selection based on the customization parameter and return [5] the respective advertisement ID back to the calling*

script. This advertisement ID information can then be embedded into the HTML image tag that is placed on the results page where the advertisement will be displayed. After returning [6] the results back to the client... The returned data [10] is handed back [11] to the advertisement server 103 and transmitted [12] to the user's web browser 102, where it can then be displayed to the user on the results page) [see col.4, lines 21-58 and col.6, lines 7-63].

As to claim 15:

Langheinrich teaches determining a location in the document for each of the retrieved images from an instruction embedded in the document (*e.g., after the user requests a page [1] from the content server 101, the server executes a script that will customize the requested page—for example by searching a database for a list of matching entries for a user query. In the process the publisher's script uses [2] the advertisement server selection API 119 to obtain an advertisement ID for the given customization parameters (for example the search keyword). The API 119 will query [3] to the database server and obtain the relevant information [4] from the database server 104, make a selection based on the customization parameter and return [5] the respective advertisement ID back to the calling script. This advertisement ID information can then be embedded into the HTML image tag that is placed on the results page where the advertisement will be displayed. After returning [6] the results back to the client... The returned data [10] is handed back [11] to the advertisement server 103 and transmitted [12] to the user's web*

browser 102, where it can then be displayed to the user on the results page) [see col.4, lines 21-58 and col.6, lines 7-63].

As to claim 19:

Langheinrich teaches a computer system (*e.g., see fig.1 and the accompanying text, beginning at col.4, line 3*), comprising:

- a processing unit (*e.g., client 102; fig.1*);
- a memory coupled to the processing unit through a system bus (*is inherent to the system of Langheinrich*);
- a computer-readable medium (*is inherent to the system of Langheinrich*) coupled to the processing unit through the system bus; and
- an instruction (*e.g., a script*) embedded in a markup language document (*e.g., a web page*) in the memory to cause the processing unit to execute a utility program (*e.g., a web browser*) from the computer-readable medium, wherein the utility program causes the processing unit to determine a number of images (*e.g., incoming requests from clients to deliver customized advertisements*) to display in the markup language document, select the number of images from a group of images (*e.g., Once a selection is made, this selection will be logged with the database server. The learning system 105 periodically queries the logfiles from the database server 104 to obtain performance records of advertisements and adjusts a set of display weights accordingly. These weights are stored in the database server 104, where the advertisement server 103 can access it during*

advertisement selection. Advertisers can contact a maintenance server 106 that allows direct access to the advertisement information stored in the database server 104), and place the selected images in the markup language document (e.g., After the user requests a page [1] from the content server 101, the server executes a script that will customize the requested page--for example by searching a database for a list of matching entries for a user query. In the process the publisher's script uses [2] the advertisement server selection API 119 to obtain an advertisement ID for the given customization parameters (for example the search keyword). The API 119 will query [3] to the database server and obtain the relevant information [4] from the database server 104, make a selection based on the customization parameter and return [5] the respective advertisement ID back to the calling script. This advertisement ID information can then be embedded into the HTML image tag that is placed on the results page where the advertisement will be displayed. After returning [6] the results back to the client... The returned data [10] is handed back [11] to the advertisement server 103 and transmitted [12] to the user's web browser 102, where it can then be displayed to the user on the results page) [see col.4, lines 21-58 and col.6, lines 7-63].

As to claim 20:

Langheinrich teaches the utility program causes the processing unit to place the selected images in a location defined in the instruction (e.g., the corresponding script simple

includes the customization parameters into the HTML image tag and returns the results page to the user's web browser & also see fig. 11).

As to claim 21:

Langheinrich teaches the instruction specifies the number of images to display (e.g., *generates electronic advertisement available to the client system ... a customization process which customizes the electronic advertisements to be delivered to each client system; col.2, lines 50-58*).

As to claim 22:

Langheinrich teaches an administration program that causes the processing unit to create a group of images from which to select the number of images (e.g., *the selection process 119 will find the embedded customization parameters to request and perform the selection after obtaining the relevant information from the database server; col.6, lines 37-63*).

As to claim 23:

Langheinrich teaches the computer system is a web server (e.g., *the web server in step 1001; col.5, line 19-20*) and the markup language document is a web page (e.g., *web page; col.5, lines 45-46*).

As to claim 24:

Langheinrich teaches the web page contains images of items being auctioned on a web site hosted by the web server (*e.g., server which stores advertisements and their campaign information, and an advertisement server which generates electronic advertisements; see Abstract*).

As to claims 1 and 25:

The rejection of independent claim 19 above is incorporated herein in full.

Additionally, Langheinrich teaches:

- selects an image for insertion into the document (*e.g., a dynamically selected advertisement; col.3, lines 63-65*); and
- selecting, by the utility program, a pre-determined number of images from a group of images (*e.g., the system is able to automatically adapt to usage pattern. Advertisers simply have to register their advertisement with the system and can leave advertisement targeting to the automated learning system. However, the advertiser remains in full control by being able to specify an arbitrary number of display constraints. The system will attempt to maximize the click-through for each single advertisement by relying on past experience. Performance can further be increased by grouping related advertisements into families and selecting among families instead of single advertisements; col.3, lines 21-37 and col.4, lines 21-28*).

As to claim 2:

Langheinrich teaches a gallery containing images available for display (*e.g., pool of available advertisements; col.2, lines 1-3*).

As to claim 3:

Langheinrich teaches choosing the images for the pool from a gallery containing images available for display using an administration tool (*e.g., Once a pool of available advertisements has been filtered out, the advertisement with the highest click-through will be selected; col.2, lines 1-3*).

As to claim 4:

Langheinrich teaches obtaining filtering criteria; identifying an image from the gallery based on the filtering criteria (*e.g., Once a pool of available advertisements has been filtered out, the advertisement with the highest click-through will be selected; col.2, lines 1-3*); and adding the identified image to the pool (*e.g., Once a pool of available advertisements has been filtered out, the pool can adding the identified image; col. 2, lines 1-3*).

As to claim 5:

Langheinrich teaches examining information associated with the image against a set of standards and discarding the image if the information does not meet the standards

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(e.g., filters out all non-applicable advertisements given the condition of the current request for a banner; col. 1, lines 37-41).

As to claim 6:

Langheinrich teaches deleting an image from the pool *(e.g., available advertisements has been filtered out; col. 2, lines 1-3).*

As to claim 7:

Langheinrich teaches the markup language document is a web page *(e.g., web page; col. 5, lines 45-46)* and the instruction is a tag in a proprietary format *(e.g., an HTML-embedding tag such as ILAYER or IFRAME ... The HTML-embedding tag points to the advertisement server 103 and contains the customization parameters that should be used by the advertisement system. Once the user's browser 102 encounters the embedding tags it will contact [3] the advertisement server 103 to fill in a snippet of HTML code at the position the original tag was placed in the output of the publisher's application; col. 7, lines 1-35).*

As to claim 8:

Langheinrich teaches the utility is invoked when the tag in the proprietary format is processed during a compile of the web page format *(e.g., the script that handles requests for an advertisement image ... the script will first decode the parameters that have been passed to the script... The selection process can be shortcut with explicitly*

requesting a particular advertisement by its advertisement ID ... In case such information has been embedded into the request, the system will call the selection module 1006 to select a customized advertisement for the particular situation ... total page accesses to the publisher's web site the advertisement will be shown on. Once an advertisement id has been determined in step 1003 and the procedure of selection module 1006 has been performed, the system can then call the advertisement data module 115 (FIG. 2) for obtaining the actual image data; col.5, lines 19-61).

As to claim 9:

Langheinrich teaches widget identifier (*e.g. advertisement ID; col. 5, lines 14-15 & col.6, lines 22-25*), number of images (*e.g., specify an arbitrary number of display constraints; col.3, lines 30-36*), display parameters (*e.g., display probabilities for relevant values of the customization parameters; col. 2, lines 64-67*).

As to claim 10:

Langheinrich teaches a size parameter and a location parameter (*e.g., customization parameters; col.6, lines 7-67*).

As to claim 11:

Langheinrich teaches widget identifier (*e.g. advertisement ID; col. 5, lines 14-15 & col.6, lines 22-25*), category identifier, number of images (*e.g., specify an arbitrary*

number of display constraints; col.3, lines 30-36), display parameters (e.g., display probabilities for relevant values of the customization parameters; col. 2, lines 64-67).

4. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Langheinrich et al.** in view of **McCollom et al.** (U.S. 6,925,444, filed 12/1998).

As to claim 12:

McCollom teaches validating the pre-determined number of images against validation criteria (*col.8, lines 51-64*) and substituting a different image for an image that fails the validation (*col.13, lines 38-61*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature from **McCollom** in the system of **Langheinrich** because it would have provided the capability for capturing the statistical information with regard to the merchant advertisement or category advertisement viewed by the consumer.

As to claim 14:

Note to the discussion of claim 6 above for rejection.

Response to Arguments

5. Applicant's arguments filed 08/15/2006 have been fully considered but they are not persuasive.

- a. Applicant argues that *Langheinrich only discloses the insertion of one advertisement into the markup language document. Langheinrich does not teach determining a number of images to display in the markup language document* [Remarks, page 3].

In response, Langheinrich teaches the insertion of multiple advertisements (e.g., *advertisements*) into the markup language document, not one [see col.4, lines 21-58 and col.6, lines 7-63]. Also, Langheinrich teaches determining a number of images to display in the markup language document (e.g., *the advertisement server 103 handles the incoming requests from clients to deliver customized advertisements... Advertisers can contact a maintenance server 106 that allows direct access to the advertisement information stored in the database server 104*) [see col.4, lines 20-41].

- b. Applicant argues that *Langheinrich* does not teach retrieving images from a group of images using the set of random numbers [Remarks, page 4].

In response, Langheinrich's teaching "*the remaining advertisements will then be selected randomly*" (col.1, lines 16-46); "*grouping related advertisements into families and selecting among families instead of single advertisements*" (col.3, lines 21-37); and "*the system chooses a random advertisement*" (col.8, lines 1-18) does read-on the claimed limitations.

- c. Applicant argues that *Langheinrich* does not teach placing the images at locations defined in the instruction [Remarks, page 5].

In response, Langheinrich meets placing the images at locations defined in the instruction (*e.g., after the user requests a page [1] from the content server 101, the server executes a script that will customize the requested page—for example by searching a database for a list of matching entries for a user query. In the process the publisher's script uses [2] the advertisement server selection API 119 to obtain an advertisement ID for the given customization parameters (for example the search keyword). The API 119 will query [3] to the database server and obtain the relevant information [4] from the database server 104, make a selection based on the customization parameter and return [5] the respective advertisement ID back to the calling script. This advertisement ID information*

can then be embedded into the HTML image tag that is placed on the results page where the advertisement will be displayed. After returning [6] the results back to the client... The returned data [10] is handed back [11] to the advertisement server 103 and transmitted [12] to the user's web browser 102, where it can then be displayed to the user on the results page; see col.4, lines 21-58 and col.6, lines 7-63).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact information


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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Maikhanh Nguyen


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